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PATENT  
Attorney Docket No. 044921-5124-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Arthur CASTLE et al.**

Application No.: **10/620,765**

Filed: **July 17, 2003**

For: **NUCLEIC ACID DETECTION ASSAY  
CONTROL GENES**

Group Art Unit: **1634**

Examiner: **Jennifer Wong**

U.S. Patent and Trademark Office  
Customer Service Window, **Mail Stop Amendment**  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**TRANSMITTAL FORM**

1. Transmittal herewith is a Response to Restriction/Election Requirement in response to the Office Action dated November 29, 2005.
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants petition for a five (5) month extension of time from December 29, 2005 to May 30, 2006 (Federal Holiday on Monday, May 29, 2006), the fee for which is **\$1,080.00** as set out in 37 C.F.R. 1.17(a). If Applicants have inadvertently overlooked the need for an additional extension of time, please consider this a petition therefore. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
3. Constructive Petition: **Except** for issues payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **May 30, 2006**  
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Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

*Christopher J. Betti*  
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